

Hon. Robert S. Lasnik

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

DONALD GRAVELET-BLONDIN, and
KRISTI GRAVELET-BLONDIN,

Plaintiffs,

v.

SGT. JEFF SHELTON, and OFFICER CARL
WHALEN, CITY OF SNOHOMISH,

Defendants.

No. C09-1487 RSL

MOTION FOR RECONSIDERATION OR
MODIFICATION OF ORDERS
AUTHORIZING WEAPONS IN
DEPOSITIONS

Note on Motion Calendar: July 26, 2010

Plaintiffs respectfully move the Court for reconsideration of its Orders granting the defendants' Motion to Compel, and denying the plaintiffs' Motion for a Protective Order, with respect to Kristi Gravelet-Blondin. Specifically, Plaintiffs respectfully ask the Court to modify its order to apply the same conditions for Kristi Gravelet-Blondin's deposition as the Court has for Donald Gravelet-Blondin's, i.e. that she be deposed without armed and uniformed police officers present. Plaintiffs also move the Court for reconsideration of its Order denying plaintiffs' Motion for a Protective Order regarding the bringing of firearms to other depositions in this case. Plaintiffs would like to exercise their right to attend depositions, yet will be deterred from doing so under present circumstances.

FACTUAL BACKGROUND

In support of this Motion, plaintiffs submit the following points they believe the Court has overlooked or misapprehended:

MOTION FOR RECONSIDERATION OF ORDERS AUTHORIZING
WEAPONS IN DEPOSITIONS - 1

No. C09-1487 RSL

9536.1 dgl193201

MACDONALD HOAGUE & BAYLESS
705 Second Avenue, Suite 1500
Seattle, Washington 98104
Tel 206.622.1604 Fax 206.343.3961

1 1. The principal concern of plaintiffs' counsel, from the outset, was the fact that
2 plaintiffs have both suffered severely from Post-Traumatic Stress Disorder, would be
3 traumatized by being required to sit in a small room with armed police officers, and might suffer
4 a relapse or exacerbation of their emotional state. *See* Shaeffer Declaration, Dkt. No. at 43. The
5 primary reasons plaintiffs' counsel had not raised the issue earlier were 1) the vociferous
6 arguments by defense counsel, including the argument that the police officers had a First
7 Amendment right (Freedom of speech/expression and Freedom to Associate) to carry firearms
8 into plaintiffs' counsel's offices, and 2) the expectation that there would be further discussions,
9 including a call to the Court, regarding proposal to move the deposition at which more complete
10 arguments could be made. *See* Supplemental Shaeffer Declaration, filed herewith.

11 2. Plaintiffs submitted medical records showing that plaintiff Kristi Gravelet-
12 Blondin was diagnosed with Post-Traumatic Stress Disorder because of this incident, and has
13 been treated for that condition. Dkt. No. 43 at Ex. 2. The logical inference from this is that
14 Ms. Gravelet-Blondin would be further traumatized by being deposed in the presence of armed
15 and uniformed officers in a tense, emotional and close situation, just as Mr. Gravelet-Blondin
16 would be. Because the Court has ruled that expert testimony is necessary to support this
17 inference, a Declaration of Tatiana Sadak, ANRP, a psychiatric nurse practitioner who is treating
18 Ms. Gravelet-Blondin, so stating, is filed herewith.

19 3. No identified City or State interest outweighs the right of the plaintiffs and their
20 counsel to have a safe and unthreatening environment in which to conduct and attend these
21 depositions. There is no requirement in the Snohomish police regulations or elsewhere that
22 police officers attend court proceedings or depositions in uniform. It is safe to walk the streets of
23 Seattle during the day without a firearm. The officers would not be endangered any more than
24 any other member of the public by coming to downtown Seattle and entering an office building
25 without a uniform or firearm.

4. Since the time of the Court's Order, the parties have made efforts to reschedule the depositions of the Plaintiffs. Defense counsel has made clear that the Defendants intend to attend all depositions, including that of Ms. Gravelet-Blondin (unless "time permits"), uniformed and armed. Supplemental Shaeffer Declaration, Ex. 1. Plaintiffs have a right to attend all depositions in this case. They would like to do so, but they will be deterred from doing so if they must do so with the defendants and other officers allied with them in attendance, armed with guns.

REQUEST FOR RELIEF

Plaintiffs respectfully request the following modifications to the Court's July 12 Order as follows:

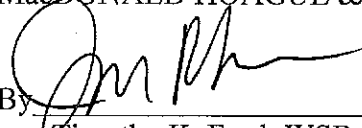
Deposition of Kristi Gravelet-Blondin: The Court has already ordered that good cause exists for Mr. Gravelet-Blondin to have his deposition taken outside the presence of armed and uniformed officers. Plaintiffs respectfully request the Court to hold the same for Ms. Gravelet-Blondin.

Other Depositions in this Case: Plaintiffs respectfully request an order prohibiting any party or witness from carrying firearms into depositions in this case, without advance agreement or leave of court.

DATED this 26 day of July, 2010.

Respectfully submitted,

MacDONALD HOAGUE & BAYLESS

By 

Timothy K. Ford, WSBA #5986

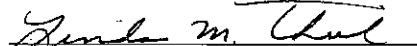
Joseph R. Shaeffer, WSBA #33273

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on the 26th day of July, 2010, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

Richard B. Jolley rjolley@kbmlawyers.com
Adam L. Rosenberg arosenberg@kbmlawyers.com


Linda M. Thiel, Legal Assistant